

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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THE PEOPLE OF THE STATE OF NEW YORK, by
LETITIA JAMES, Attorney General of the State of
New York,

Plaintiff,

-against-

Case No. 22-cv-06124 (JMF)

Arm or Ally, LLC; Blackhawk
Manufacturing Group, Inc., a/k/a 80
Percent Arms, Inc. or 80 Percent Arms;
Salvo Technologies, Inc., a/k/a 80P
Builder or 80P Freedom Co.; Brownells,
Inc., a/k/a Brownells or Bob Brownell's;
GS Performance, LLC, a/k/a Glockstore or
GSPC; Indie Guns, LLC; KM Tactical;
Primary Arms, LLC; Rainier Arms, LLC; and
Rock slide USA, LLC,

**AFFIRMATION IN SUPPORT
OF REQUEST FOR
CERTIFICATE OF DEFAULT**

Defendants.

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JAMES M. THOMPSON hereby declares as follows:

1. I am a member of the Bar of the State of New York and am admitted to practice in this District. I serve as Special Counsel for Second Amendment Litigation in the office of Letitia James, the Attorney General of the State of New York. With my colleagues Molly Thomas-Jensen, Monica Hanna, Abigail Katowitz, and Matthew Conrad, I represent the Plaintiff, the People of the State of New York, in this civil enforcement action.

2. This action was commenced pursuant to several state statutory and common-law causes of action, seeking to hold Defendants accountable for their violations of New York's firearms laws. See Second Amended Complaint, ECF No. 157, ¶¶ 596-634. It was initially filed in New York Supreme Court on June 29, 2022, and it was removed to this Court on July 19, 2022. ECF No. 1.

3. Defendant Indie Guns, LLC was properly served and has acknowledged service in its notice of removal. ECF No. 1 ¶ 3; see also ECF No. 160; Docket, People of the State of New York v. Arm or Ally, LLC et al., No. 451972/2022 (Sup. Ct. N.Y. Cty.), NYSCEF No. 9.

4. The time for Defendant Indie Guns, LLC to answer or otherwise move with respect to the Second Amended Complaint herein has expired.

5. Defendant Indie Guns, LLC has not answered or otherwise moved with respect to the Second Amended Complaint, and the time for defendant Indie Guns, LLC to answer or otherwise move has not been extended.

6. Defendant Indie Guns, LLC was previously represented by counsel, but both attorneys representing the company withdrew, alleging inter alia that Indie Guns, LLC “failed to follow legal advice that [they] consider vital to its effective, professional, and ethical representation.” ECF No. 120-1 ¶ 3; ECF No. 120-2 ¶ 3; see also ECF Nos. 138 & 139. Indie Guns LLC’s counsel also filed additional ex parte declarations discussing their grounds for withdrawal, the contents of which the State is unaware. See ECF Nos. 147 & 148.

7. The Court granted the motion to withdraw on March 6, 2023, and granted Indie Guns, LLC “two weeks from the date of this Order to find new counsel.” ECF No. 151.

8. No counsel has appeared for Indie Guns, LLC since that point. On April 20, 2023, the Court entered an order noting inter alia that the company “is also in default because its counsel withdrew, *see* ECF No. 151, and no new counsel has appeared, *see* ECF Nos. 164, 169.” ECF No. 192.

9. Defendant Indie Guns, LLC is not an infant or incompetent. Defendant Indie Guns, LLC is not presently in the military service of the United States as appears from facts in this litigation.

WHEREFORE, plaintiff, The People of the State of New York, requests that the default of defendant Indie Guns, LLC be noted and a certificate of default issued.

I declare under penalty of perjury that the foregoing is true and accurate to the best of my knowledge, information, and belief, that the amount claimed is justly due to the Plaintiff, and that no part thereof has been paid.

Dated: New York, New York
January 24, 2024

By:

A handwritten signature in black ink, appearing to read 'James M. Thompson', is written over a horizontal line.

James M. Thompson
Special Counsel
Office of the New York State Attorney General
28 Liberty Street
New York, NY 10005
(212) 416-6556
james.thompson@ag.ny.gov